

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA §

Vs. § CRIMINAL ACTION NO. 6:09CR18

ERIC FERNANDO REYES §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

On February 17, 2010, the Court referred an ancillary forfeiture proceeding in the above-styled case to the undersigned. Specifically, the Court referred a Petition for Remission or Mitigation of Forfeiture filed by Angel Torres on behalf of Irving Trucks on July 13, 2009 (document [#177](#)).

On March 10, 2010, Angel Torres filed a letter stating that he and Irving Trucks abandon any claim and interest in the property seized from Eric Fernando Reyes. The Petition for Remission or Mitigation of Forfeiture referenced a 2007 Chevrolet C1500 Suburban VIN #3GNFC16J07G115816. Torres states that “[i]t is no longer in our best interest to continue the ancillary forfeiture proceeding.” The letter is construed as a motion to voluntarily dismiss the Petition for Remission or Mitigation of Forfeiture. Accordingly, the petition filed by Angel Torres should be dismissed.

Recommendation

It is recommended that the motion to voluntarily dismiss the Petition for Remission or Mitigation of Forfeiture (document [#280](#)) be granted and that the Petition for Remission or Mitigation of Forfeiture filed by Angel Torres on behalf of Irving Trucks on July 13, 2009

(document [#177](#)) be dismissed.

Within fourteen days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge.

A party's failure to file written objections to the findings, conclusions and recommendations contained in this Report within ten days after service shall bar that party from *de novo* review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Assn.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

So ORDERED and SIGNED this 11 day of March, 2010.



JUDITH K. GUTHRIE
UNITED STATES MAGISTRATE JUDGE